

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Randy Ted Chavez

Docket No. 7:11-MJ-1152-1

Petition for Action on Probation

COMES NOW Kevin L. Connolley, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Randy Ted Chavez who, upon an earlier plea of guilty to DWI, Level 2, NCGS 20-138.1, as assimilated by 18 U.S.C. 13, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on June 14, 2012, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
4. The defendant shall surrender his North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.
5. The defendant shall complete a seven day period of imprisonment and surrender to complete same on June 19, 2012, at 2:00 PM.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Following the sentencing hearing, later on the same date, the probation office approached the court at the bench, related the difficulty getting a Bureau of Prisons designation for the seven day period of imprisonment in time to enable a June 19, 2012, surrender, and recommended the court allow the

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probation office to advise the defendant of a later surrender date, as designated by the Bureau of Prisons. The court agreed with the probation office recommendation and verbally amended the sentencing order by directing the defendant surrender for service of the seven day period of imprisonment as directed by the probation office.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The condition of supervision imposed at sentencing directing the defendant surrender on June 19, 2012, to complete a seven day period of imprisonment is rescinded. The defendant shall complete a seven day period of imprisonment as arranged by the probation office.

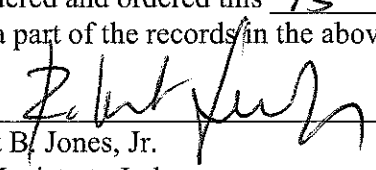
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervisory U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: June 15, 2012

ORDER OF COURT

Considered and ordered this 15 day of June, 2012, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge